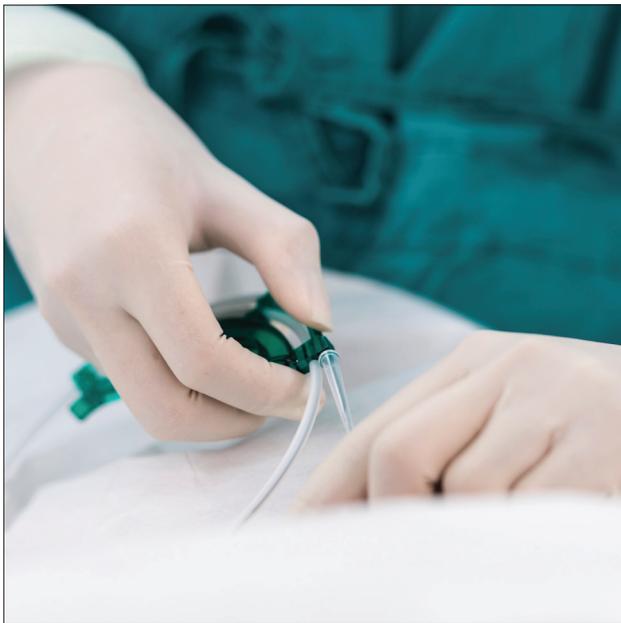


# Inter Partes Victories Safeguard Client's Innovations

Client:	<b>Medtronic PLC</b>
Industry:	Medical Devices
Area of Law:	Patent Litigation
Venue:	The U.S. Patent Trial and Appeal Board
Result:	Validity of key patents upheld in multiple proceedings



*“We determine that Medtronic has demonstrated by a preponderance of the evidence that [a rival patent holder’s claims] are unpatentable as anticipated.”*

—A three-judge panel of the U.S. Patent Trial and Appeal Board

When leading medical device maker Medtronic PLC faced the potential of multiple, costly patent infringement trials attacking two of its life-saving products, it tapped Pillsbury to challenge the validity of the asserted patent claims.

The firm utilized the U.S. Patent Trial and Appeal Board’s *inter partes* review (IPR) process, a trial-like procedure created as part of the 2012 America Invents Act. This case was part of the earliest wave of IPR success stories, producing much faster (and thus much less costly) results than could be obtained in the past, and fulfilling the intent Congress articulated in creating the PTAB.

IPR offers a quicker, less costly and more efficient way to determine the validity of a patent, particularly when compared to District Court litigation. However, these benefits come with the risks of venturing into new territory with limited guiding precedent, and the potential of being thwarted in other proceedings.

Pillsbury secured a series of resounding victories for Medtronic in which all the patent claims at issue were held unpatentable by the Board.

In the first victory, a plaintiff alleged that Medtronic’s Endurant stent grafts infringed claims of the plaintiff’s patent. The district court litigation was stayed in favor of the IPR proceeding, allowing Medtronic to focus its efforts on the sole issue of invalidating the patent. The PTAB issued a decision in March 2015 holding that the asserted claims of the patent in question were unpatentable.

Only a month later, Pillsbury achieved further success with two more IPR victories invalidating all claims asserted by an Oklahoma City cardiologist against Medtronic’s CoreValve transcatheter aortic valve replacement. Again, the underlying District Court litigation was stayed in favor of the IPR proceedings. And, once again, Pillsbury was able to convince the Board that our opponent could not establish an earlier date of conception, that the challenged claims were unpatentable and that his motion to amend the claims should be denied. The Board held the asserted claims of the patent unpatentable.